

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD ROE, RICHARD ROE, II and DON A. NELSON, Individuals,

Plaintiffs,

vs.

JOHN DOE, MARK CUBAN, an individual; and DALLAS BASKETBALL, LTD., a partnership, and DOES 1 through 10,

Defendants.

Civil Action No. 3:09-CV-682 PJH
ECF

ORDER AWARDING DEFENDANTS' ATTORNEYS' FEES AND COSTS AND STAYING ENFORCEMENT OF JUDGMENT OF SAME WITHOUT PLAINTIFF POSTING A SUPERSEDEAS BOND IF FINAL JUDGMENT IS TIMELY APPEALED

Upon review of the Stipulation of the Parties Regarding Attorneys' Fees and Costs and Staying Enforcement of Judgment of Same Without Plaintiff Posting a Supersedeas Bond if Final Judgment is Timely Appealed, and good cause appearing therefore, the Court hereby orders as follows:

IT IS ORDERED that Defendants' Motion for Attorneys' Fees and Memorandum of Costs is GRANTED;

IT IS FURTHER ORDERED that judgment is entered against Plaintiff Don A. Nelson in favor of Defendants Mark Cuban and Dallas Basketball, Ltd. in the amount of \$71,224.78, representing Defendants' reasonable and necessary attorneys' fees and costs incurred in pursuing and prevailing on Defendants' Special Motion to Strike;

1 IT IS FURTHER ORDERED that if Plaintiff Don A. Nelson timely appeals the Court's
2 Order Granting Defendants' Special Motion to Strike and Final Judgment, and assuming the
3 Court's order(s) are affirmed, that Defendants shall also be entitled to attorneys' fees and costs
4 associated with the appeal and their motion seeking reimbursement of same in an amount to be
5 determined by the Court;
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7 IT IS FURTHER ORDERED that Defendants shall not seek to enforce the Court's
8 judgment of \$71,224.78 in attorneys' fees and costs until after the time for an appeal of the
9 Court's Order Granting Defendants' Special Motion to Strike and Final Judgment to the Ninth
10 Circuit Court of Appeals has passed or until after a timely appeal to the Ninth Circuit Court of
11 Appeals and the U.S. Supreme Court is final, assuming the Court's order(s) are affirmed;
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13 IT IS FURTHER ORDERED that Plaintiff Don A. Nelson shall not be required to post a
14 supersedeas bond in order to stay the enforcement of the Court's judgment of \$71,224.78 under
15 Federal Rule of Civil Procedure 62(d) if he timely appeals the Court's Order Granting
16 Defendants' Special Motion to Strike and Final Judgment. The August 26, 2009 hearing on
17 Defendant's Motion for Attorneys' Fees is hereby VACATED and the motion is withdrawn.

18 DATED: 8/17/09
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